

THE FAYETTE COUNTY PLANNING COMMISSION met on November 6, 2003 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Al Gilbert, Vice-Chairman
Bob Harbison
Bill Beckwith

MEMBERS ABSENT: Douglas Powell

STAFF PRESENT: Dennis Davenport, Assistant County Attorney
Chris Venice, Director of Planning/Division Director of Community Development
Kathy Zeitler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Deputy Mark Thayer
Sgt. Earl Williams

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He also welcomed the high school students.

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1. Consideration of the Public Hearing Minutes of the Planning Commission meeting held on October 2, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated. Al Gilbert made the motion to approve the Minutes. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Doug Powell was absent.

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2. Consideration of the Workshop Minutes of the Planning Commission meeting held on October 16, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Workshop Minutes as circulated. Bob Harbison made the motion to approve the Workshop Minutes. Bill Beckwith seconded the motion. The motion passed 3-0-1 with Al Gilbert abstaining from the vote due to being absent at the October 16, 2003 Workshop. Doug Powell was absent.

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Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned and only the technical aspects of the Preliminary Plats could be addressed by the public.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON NOVEMBER 6, 2003.

3. Consideration of a Preliminary Plat, New Haven PUD, Barnett Land Company, LLC, Owner, and Scott Barnett, Agent. This property consists of 127.49 acres with 56 proposed single-family dwelling lots. This property is located in Land Lot 3 of the 6th District and Land Lot 224 of the 4th District, fronts on Redwine Road and Bernhard Road, and is zoned PUD-PRD.

Scott Barnett requested approval of the preliminary plat as submitted 10/22/03.

Chairman Graw asked if there were any public comments regarding the technical aspects of the preliminary plat. Hearing none, he closed the floor from public comments.

Bob Harbison asked if the total street length was greater than 3,000 feet.

Kathy Zeitler replied that street length was an item which was addressed by the Engineering Department and they had not advised that it was an issue. She noted that the preliminary plat is consistent with the Development Plan which was approved by the B.O.C. and that is the plan the developer must comply with.

Al Gilbert made the motion to approve the preliminary plat dated 10/22/03. Bob Harbison seconded the motion. The motion for approval unanimously passed 4-0. Doug Powell was absent.

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4. **Consideration of a Preliminary Plat, Lavada Cove Subdivision, Frances L. Shockley and Dr. Carol Shockley, Owners, and Larry Seabolt of Seabolt & Co., Inc., Agent. This property consists of 6.47 acres with 4 proposed single-family dwelling lots. This property is located in Land Lot 150 of the 5th District, fronts on the proposed extension of Kay Road, and is zoned R-40.**

Larry Seabolt requested approval of the preliminary plat as submitted 10/23/03.

Chairman Graw asked if there were any public comments regarding the technical aspects of the preliminary plat. Hearing none, he closed the floor from public comments.

Bob Harbison made the motion to approve the preliminary plat dated 10/23/03. Bill Beckwith seconded the motion. The motion for approval unanimously passed 4-0. Doug Powell was absent.

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Kathy Zeitler read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

Chairman Graw explained that the P.C. is a recommending body and their recommendation is forwarded to the B.O.C. who make the final decision.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON NOVEMBER 6, 2003 AND BY THE BOARD OF COMMISSIONERS ON DECEMBER 11, 2003.

5. **Consideration of Petition No. 1116-03, Mary S. Austin and O.B. Bobbitt, III, Owners, and Brian Corbin of QuikTrip Corporation, Agent, request to rezone 4.5148 acres from O-I and R-20 to C-H to develop two (2) parcels consisting of: 1) a proposed gasoline station/convenience store, and 2) a sit down restaurant. This property is located in Land Lots 232 and 233 of the 5th District and fronts on S.R. 85 North, S.R. 279, and Old Road.**

Attorney Dennis Davenport asked Attorney Doug Warner if he would like to proceed or table the petition due to the lack of a full board.

Attorney Warner replied that he wished to go forward. He advised that he represented QuikTrip and introduced Attorney Nick Cagler, Brian Corbin who is the Real Estate Manager for QuikTrip, and Tom Wells, who is Director of Real Estate for QuikTrip. He submitted brochures to the P.C. and

Staff. He reviewed QuikTrip's company highlights as follows: QuikTrip is privately held out of Tulsa, Oklahoma, 413 stores in nine (9) states, 100 stores in the Atlanta area, yearly sales of nearly \$3 billion dollars, ranked 64th in the top 100 privately held companies by Forbes, voted 41st this year by Fortune magazine of the "100 Best Companies to work for", guarantee everything they sell, spend \$40,000 per year per store to maintain a nice appearance, give 5% of profits to the local charities and United Way, American Red Cross, Salvation Army, and March of Dimes, donated \$1 million dollars to United Way last year, average paying \$750,000 in state and local taxes each year, on average have 13 times fewer robberies, good security utilizing photometric design, interview 8-10 people for every one hired, employees wear uniforms, store managers average approximately \$50,000 per year which is twice the industry norm, support law enforcement, less than 3% of retail area is devoted to alcoholic products, and have secret shoppers. He said he did not see how you could ask for anything better than QuikTrip.

Attorney Warner advised that this property is located in the southwest quadrant of S.R. 279 (Evander Holyfield Highway) and S.R. 85 North. He pointed out that there is currently a BP located across the street from the subject property. He confirmed that the subject property consists of 4.52 acres which is a combination of two (2) tracts consisting of 2.319 acres currently zoned O-I in the front owned by Mr. Bobbitt, and 2.195 acres zoned R-20 in the rear owned by Ms. Austin.

Attorney Warner presented a rendering of the proposed development. He reported that the convenience store would consist of 4,500 square feet with a 9,982 square foot canopy covering 20 gas pumps and a retail/restaurant consisting of 8,230 square feet. He stated that the gas pumps were in good visual range of the store manager which is required by the Georgia Fire Regulations.

Attorney Warner confirmed that the proposed request is in compliance with the Land Use Plan which calls for commercial highway and light industrial. He noted that the proposed zoning district is a step down from light industrial. He added that QuikTrip will comply with the Conditional Use Requirements and the Overlay Zone. He pointed out that the surrounding zoning is pretty much all zoned C-H and there is a BP station across S.R. 279, a commercial subdivision across S.R. 85 North, and a church across Old Road. He added that the proposed development will have no adverse effect on the neighbors nor will it be a burden on the roads, utilities, or schools. He stated that he would like to address the recommended conditions in rebuttal. He raised the Constitutional Issues and asked that the P.C. recommend approval to the B.O.C.

Chairman Graw asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Attorney Warner presented elevations and an aerial photo. He referenced the first recommended condition which prohibited access to Old Road. He pointed out that if the intersection of Old Road and S.R. 85 North is improved that it made sense to have a flow of traffic come across the property and connect with Old Road rather than have an additional entrance and exit from S.R. 85 North. He added that the G.D.O.T. would probably agree. He advised that he was aware of the regulation but asked that the P.C. think about the situation in this case. He said the condition could be amended to allow access sometime in the future when Kenwood Business Park is allowed access to Old Road.

Attorney Warner referenced the second recommended condition which requires QuikTrip to utilize low intensity lighting. He said that low intensity lighting is nice from an aesthetic standpoint but asked that the P.C. consider it from a crime standpoint. He stated that they did not mind turning the light in or down but they did not want to have the lighting limited. He advised that QuikTrip has photometric studies and engineers who can light the facilities very well. At this time, he presented Tom Wells to address the Old Road situation.

Tom Wells stated that he was the Director of Real Estate for QuikTrip. He said that the conceptual plan show one (1) access on S.R. 85 North with interparcel access, and access from S.R. 279 and Old Road. He reported that they had met with G.D.O.T. when they were made aware that they could not

access Old Road, and if the condition remains then they will seek two (2) access points onto S.R. 85 North. He requested that the recommended condition be amended to allow QuikTrip to tie into Old Road at such time when it is paved or other uses were utilizing Old Road. He confirmed that if QuikTrip was granted access at this time that they would dedicate the additional right-of-way along Old Road, as well as, improving that section of Old Road beyond the access point. He added that an acceleration/deceleration lane would probably be required by G.D.O.T.

Bill Beckwith asked if the recommended condition could be modified in regard to access to Old Road and when that action should take place.

Kathy Zeitler said that the recommended condition could certainly be modified at this stage, during the rezoning procedures. She added that if the condition was revised that a time should be established when access to Old Road would be allowed.

Al Gilbert asked if the applicants could request at a later time, after Old Road is improved, and ask that the condition be removed.

Mrs. Zeitler replied yes. She advised that they would be required to file a rezoning petition to amend or remove the recommended condition of zoning approval.

Chairman Graw asked Mrs. Zeitler why she was recommending the condition regarding Old Road.

Mrs. Zeitler explained that Old Road is a local road and the other two (2) roads are major arterials. She advised that Old Road is a gravel road and the County has no time frame as to when Old Road will be paved. She pointed out that there was a church on the corner and behind the church is Butler Road which is a residential subdivision road. She said that Kenwood Business Park may access Old Road when it is paved, however by that time there will be very large trucks coming out of the industrial park down Old Road and cutting through the restaurant site to get to the gas station. She added that the residents could access the gas station by turning left onto Old Road to S.R. 279. She remarked that she felt this recommended condition was necessary to protect the existing residential neighborhood in the area.

Chairman Graw reported that a requirement of the S.R. 85 North Overlay does not allow access to a local street primarily serving a single-family residential neighborhood, however Old Road is not serving the neighborhood; Butler Road is serving the neighborhood.

Mrs. Zeitler replied that the reason for the recommended condition is due to the very close proximity between the intersection of Butler Road and Old Road and the subject property.

Chairman Graw clarified that the applicant has offered to improve Old Road from the intersection to their access on Old Road. He asked if this would help in any way.

Mrs. Zeitler replied that Old Road is already paved from the intersection of S.R. 85 North to Butler Road, and the remainder is gravel. She added that the intersection may need improvements, however that would be addressed by G.D.O.T.

Mr. Harbison stated that the access to Old Road makes sense but he understood Staff's concerns. He said he would not object to access to Old Road if the intersection is improved with an acceleration/deceleration lane and the portion of Old Road from the intersection of S.R. 85 North and Old Road to the proposed access point is improved to County standards.

Mrs. Zeitler stated that traffic from Kenwood Business Park could be directed to S.R. 279 rather than down a local road.

Mr. Harbison agreed that security lighting is important and the lighting could be done with shielding and still have light intensity on the subject property itself.

Mrs. Zeitler commented that gas stations are known for having very, very bright lights to attract customers, be highly visible, and to get the word out that they are a safe place. She said that with the competition between them, the lights get brighter and brighter and it gets to a point where the lights are blinding motorists. She stated that Staff was trying to avoid halos around the lights by requiring a shield on top to direct the light down. She remarked that the recommended condition should establish some lighting level which would be acceptable that limited the brightness of the lighting. She explained that based on her research for gas station canopy lighting that low intensity is generally from 5 to 35 foot candles which is adequate lighting. She added that the subject property would be open and lit up all night, and Staff did not want to restrict the lighting to where they could not function, but intended to keep the transportation corridor so it does not blind motorists.

Attorney Warner asked if there was a definition of low intensity in the regulations.

Mrs. Zeitler replied no.

Mr. Harbison asked QuikTrip what was their normal illumination level.

Brian Corbin advised that QuikTrip uses recessed bulbs and has a photometric in house which provides for no bleed over effects. He said the sites are lighted for law enforcement personnel so they can prepare their reports on-site which is a safety factor for the employees.

Mr. Harbison replied that 35 foot candles is a lot.

Mr. Corbin said he did not know the maximums, however they looked for a 1 foot candle for the entire site.

Mr. Wells advised that under the canopy was probably in excess of 35 foot candles, however outside the canopy more light bulbs are used in order to use cut-off luminaries to prevent light from spilling onto adjacent properties or into the right-of-way. He added that the area outside the canopy was probably from a maximum of 15 foot candles to a minimum of .8 to 1 foot candle but an average of 5 foot candles.

Chairman Graw stated that he supported Staff's recommended condition, however a definition for low intensity needs to be established instead of depending on someone's judgement. He said that the two (2) parties should be able to work something out at the design stage.

Mr. Harbison said that the lighting under the canopy should not give halo effects outside the area and the lighting around the perimeter can be shielded and directed downward. He commented that he hesitated to encourage low intensity lighting due to safety. He proposed the following recommended condition: If there is bleed over from the lighting that creates a problem with traffic that QuikTrip will do whatever necessary to correct that problem. He added that he would like to see a well lit area but not interfere with traffic.

Chairman Graw stated that the Staff Analysis states that the location of the proposed restaurant does not appear to comply with the 300 foot requirement from a church in order to serve beer and wine.

Attorney Warner said that there will be no alcohol there, so the restaurant will have to be a Boston Market or steak house which does not serve beer and wine.

Chairman Graw referenced a letter from the G.D.O.T. which expressed several concerns.

Mrs. Zeitler advised that these concerns will be worked out at the design stage. She added that a permit would be required from G.D.O.T. prior to approval of the site plan by the County.

Mr. Beckwith concurred with Mr. Harbison and Mr. Gilbert.

Mr. Gilbert proposed the following recommended condition for Old Road: Vehicular access from Old Road shall be prohibited until Old Road is developed to County standards from the access point to the intersection of S.R. 85 North including an acceleration/deceleration lane at the intersection.

Mr. Beckwith and Mr. Harbison said that the language was suitable.

Mr. Harbison asked Attorney Davenport if he concurred with the language.

Attorney Davenport stated that Old Road currently has some level of pavement from S.R. 85 North up a portion of Old Road. He asked if the County or the Developer would be required to upgrade Old Road to County standards.

Mr. Gilbert replied that it would be up to the developer, however he could not use Old Road until it is improved to County standards.

Mr. Harbison said that the P.C. would not require the developer to bring Old Road up to County standards.

Attorney Davenport advised that the improvement should include the full length of Old Road and not just a portion of Old Road. He pointed out that if only a portion of Old Road is improved that you now have a half dirt road and half paved road which could be hazardous.

Mr. Harbison stated that due to the restaurant, there is going to be higher traffic off of the one (1) entrance than with a normal convenience store, so it makes sense to have another access point for the additional traffic which can't be allowed until there is a acceleration/deceleration lane.

Mr. Beckwith advised that Old Road is not listed on the top 10 transportation items for the next 30 years.

Mr. Harbison suggested the following recommended condition regarding lighting: Lighting is approved based on no negative impact on the traveling public. Lighting will be required to be redesigned if negative impact is determined to be present.

Attorney Davenport advised that if you start working with anything other than an objective standard, it is going to be very difficult to enforce. He said that both sides are acknowledging that there could be a problem. He stated that the language is vague and an objective standard is needed such as foot candles.

Bob Harbison made the motion to approve the petition with the deletion of recommended condition #2. and recommended condition #1 being amended to read as follows: Access will be allowed to Old Road provided the improvements to Old Road, along with an acceleration/deceleration lane, is improved past the point of access. Bill Beckwith seconded the motion.

Attorney Davenport said that he did not see the County paving that length of road and that they would either pave the entire road or none of the road. He stated that he did not know if the County would allow someone to only pave a portion of a road. He advised that the balance of Old Road from the entrance is a prescriptive easement and the County does not have title. He added that this could be an obstacle which would be prohibitive to enforce the condition.

Mr. Harbison stated that if it is not permissible for Old Road to be improved then access could not be granted.

Mr. Gilbert suggested that the applicant contact Lee Hearn with the County Road Department and discuss what will be acceptable and the cost involved.

Attorney Warner said that to dedicate 30 feet of right-of-way along Old Road and then be told that you cannot access Old Road seems contrary, however QuikTrip will be cooperative and try to make the intersection nicer and save the County the expense. He concurred that they should contact the Road Department to find out the feasibility of upgrading Old Road.

Mr. Wells concurred with Attorney Warner, however he agreed to the recommended condition by the P.C.

Mrs. Zeitler advised that she had spoken with Lee Hearn about Old Road and their records show that the County does have 60 feet of right-of-way from the intersection to Butler Road, which is the paved portion. She said that the County has a policy not to pave roads unless they have the right-of-way.

Mr. Wells stated that Ms. Austin's property goes to the centerline of the road based on the title report.

Mrs. Zeitler advised that Kenwood Business Park has the following condition of approval: That no access will be allowed to Old Road until Old Road is paved from S.R. 85 North to S.R. 279. She added that a similar condition could be established for the subject property in order to be consistent with conditions of zoning approval.

Mr. Gilbert remarked that Kenwood Business Park generates a lot of heavy trucks and equipment while the subject property will generate more automobiles than heavy trucks. He said that he agreed with the recommended condition which Kenwood Business Park has in place, however the consideration is what the subject property can do from their property to S.R. 85 North.

Chairman Graw called for the vote. The motion for approval unanimously passed 4-0. Doug Powell was absent.

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THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON NOVEMBER 6, 2003 AND BY THE BOARD OF COMMISSIONERS ON NOVEMBER 13, 2003.

6. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, Section 6-20. L-C Limited-Commercial District and Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1.B. Conditional Uses, Section 12. Convenience Commercial Establishment.

Kathy Zeitler stated that the proposed amendments had been discussed at previous workshops and the wording of the proposed revisions had been agreed upon. She pointed out that currently there are no properties zoned L-C within the unincorporated area. She said the revisions include revised and new uses. She added that the restrictions were clarified to meet the intent of the L-C which is a limited selection of convenience goods and professional and personal services. She confirmed that the L-C zoning district properties will be located at major intersections with commercial land use and may be in very close proximity to residential areas.

Mrs. Zeitler discussed the following changes: addition to the architectural standards such as no drive through establishments, establishment of hours of operation from 6:00 A.M. to 10:00 P.M., no outside loud speakers, site lighting to be directed away from adjoining or nearby residential zoning properties, maximum building size of 3,000 square feet and a maximum of 6,000 square feet per lot.

Mrs. Zeitler explained that a Convenience Commercial Establishment is a Conditional Use in the L-C Zoning District. She advised that proposed revisions to the Convenience Commercial Establishment will require a maximum floor area of 3,000 square feet, excluding the canopy, a maximum of eight (8) fueling stations (in 2 rows), and the canopy attached to the convenience store.

Chairman Graw asked if there were any public comments regarding the proposed amendments. Hearing none, he closed the floor from public comments.

Al Gilbert said that he missed the last Workshop on this item, and he had two (2) issues to discuss. He stated that a drug store was not listed under Permitted Uses. He remarked that he pictured a “Mom and Pop” drug store locating in these areas instead of the “big boxes”.

Mrs. Zeitler advised that a drug store use was discussed at the Workshop and it was agreed that, due to the location at two (2) major thoroughfares, the anchor use on-site would most likely be a convenience commercial establishment (C-store/gas station), and the convenience store could sell drug store items. She said that the drug store chains were getting into the larger stores with a drive-through pharmacy and these type of drug stores could not comply with the L-C regulations.

Mr. Gilbert expressed concern about requiring a lot to have road frontage on both roads. He also expressed concern about approving a rezoning in an area that L-C could be placed, not just at an intersection, which could create numerous recommended conditions.

Mrs. Zeitler stated that this item was discussed at the Workshop as well, however it was decided that the intent of the provision was to contain the commercial at the intersection rather than have strip commercial continue down the street and further into residential areas. She reiterated that these areas will be designated as commercial on the Land Use Plan, and will be nodes at intersections that are designated as major thoroughfares (arterial or collector streets).

Chairman Graw asked why should we not provide a use for someone if they want it, such as a “Mom and Pop” pharmacy.

Bob Harbison remarked that with so many drug stores in the cities, no one is going to build a “Mom and Pop” drug store on its own. He commented that should a pharmacy want to locate inside a convenience store that this would be permitted. He added that even if the ordinance permitted a drug store, he did not think that it would be built because the small stores cannot compete with the larger stores.

Chairman Graw asked if there were any public comments. Hearing none, he closed the floor from public comments.

Bob Harbison made the motion to approve the proposed amendments as submitted. Bill Beckwith seconded the motion. The motion for approval unanimously passed 4-0. Doug Powell was absent.

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7. **Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-6. Transportation Corridor Overlay Zone, A. S.R. 54 West and S.R. 74 South Overlay Zones.**

Kathy Zeitler advised that Staff is proposing an area of hospital influence for properties close to the hospital, and proposing that these properties be excluded from the S.R. 54 West Overlay. She explained that the Overlay requires architectural standards where structures must have a residential character, and these standards conflict with the architecture of the hospital and surrounding medical office buildings. She noted that the area of hospital influence was proposed from the west side of Sandy Creek Road to the east side of Tyrone Road, and only on the north side of S.R. 54 West.

Chairman Graw asked if there were any public comments regarding the proposed amendments. Hearing none, he closed the floor from public comments.

Bob Harbison made the motion to approve the proposed amendments as submitted. Al Gilbert seconded the motion. The motion for approval unanimously passed 4-0. Doug Powell was absent.

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Chairman Graw asked if there was any further business.

Hearing no further business, Bill Beckwith made the motion to adjourn the meeting. Al Gilbert seconded the motion. The motion for adjournment unanimously passed 4-0. Doug Powell was absent. The meeting adjourned at 8:20 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY